

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

ESN, LLC,	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 5:08-cv-20-DF</b>
	)	
<b>CISCO SYSTEMS, INC., and</b>	)	
<b>CISCO-LINKSYS, LLC,</b>	)	<b>JURY TRIAL DEMANDED</b>
	)	
<b>Defendants.</b>	)	

**JOINT NOTICE THAT DEFENDANTS' MOTION TO DISMISS AND PLAINTIFF'S  
MOTION TO DISQUALIFY AND IMPOSE SANCTIONS ARE RIPE FOR THE  
COURT'S CONSIDERATION**

Defendants Cisco Systems, Inc. and Cisco-Linksys, LLC (collectively "Cisco") and Plaintiff ESN, LLC jointly submit this Notice That Defendants' Motion to Dismiss and Plaintiff's Motion to Disqualify and Impose Sanctions Are Ripe For The Court's Consideration.

On April 24, 2009, Cisco moved to dismiss this case for lack of subject matter jurisdiction (DN #71). On April 24, 2009 ESN moved to disqualify counsel and impose sanctions (DN #73). On April 30, 2009, ESN moved to stay the briefing schedule on Cisco's Motion to Dismiss (DN #75). On May 11, 2009, the Court held a teleconference to discuss these Motions (DN #87). In a May 12, 2009 Order (DN #88), the Court stated that it "is inclined to hear all these Motions together but will make a final determination in that regard when the Motion to Dismiss is fully briefed." The Court instructed the parties "to notify the Court by letter when the Motion to Dismiss is ripe for the Court's consideration."

The parties agree and hereby notify the Court that the Motion to Dismiss and the Motion to Disqualify and Impose Sanctions are fully briefed and ripe for the Court's consideration. The parties further request that these motions be set for oral argument.

DATED: September 30, 2009

Respectfully submitted,

By /s/ Kevin A. Smith

POTTER MINTON  
A Professional Corporation

MICHAEL JONES  
Tex. Bar No. 10929400  
mikejones@potterminton.com  
110 N. College, Suite 500 (75702)  
P.O. Box 359  
Tyler, Texas 75710  
Telephone: (903) 597-8311  
Facsimile: (903) 593-0846

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

CHARLES K. VERHOEVEN  
LEAD COUNSEL  
Cal. Bar No. 170151  
charlesverhoeven@quinnemanuel.com  
KEVIN A. SMITH  
Cal. Bar No. 250814  
kevinsmith@quinnemanuel.com  
MATTHEW D. CANNON  
Cal. Bar No. 252666  
matthewcannon@quinnemanuel.com  
50 California St., 22nd Floor  
San Francisco, California 94111  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700

VICTORIA F. MAROULIS  
Cal. Bar No. 202603  
victoriamaroulis@quinnemanuel.com  
SAYURI K. SHARPER  
Cal. Bar No. 232331  
sayurisharper@quinnemanuel.com  
555 Twin Dolphin Dr., Suite 560  
Redwood Shores, California 94065  
Telephone: (650) 801-5000  
Facsimile: (650) 801-5100

Attorneys for Defendants  
Cisco Systems, Inc. and Cisco-Linksys, LLC

/s/ Gerald C. Willis

FOR PLAINTIFF, ESN, LLC:

Eric M. Albritton  
Lead Attorney  
Texas State Bar No. 00790215  
ALBRITTON LAW FIRM  
P.O. Box 2649  
Longview, Texas 75606  
Telephone (903) 757-8449  
Facsimile (903) 758-7397  
ema@emafirm.com

T. John Ward Jr.  
Texas State Bar No. 00794818  
Ward & Smith Law Firm  
111 W. Tyler St.  
Longview, Texas 75601  
Telephone (903) 757-6400  
Facsimile (903) 757-2323  
jw@jwfirm.com

George P. McAndrews  
Thomas J. Wimbiscus  
Peter J. McAndrews  
Gerald C. Willis  
Paul W. McAndrews  
Heather A. Bjella  
Matthew N. Allison

McAndrews, Held & Malloy, Ltd.  
500 W. Madison Street, 34th Floor  
Chicago, Illinois 60661  
Telephone (312) 775-8000  
Facsimile (312) 775-8100  
[pmcandrews@mcandrews-ip.com](mailto:pmcandrews@mcandrews-ip.com)

## CERTIFICATE OF SERVICE

I hereby certify that on the date this proof of service is signed below, I served the foregoing:

JOINT NOTICE THAT DEFENDANTS' MOTION TO DISMISS AND PLAINTIFF'S MOTION TO DISQUALIFY AND IMPOSE SANCTIONS ARE RIPE FOR THE COURT'S CONSIDERATION

by email and via the Court's Electronic Filing System to

George P. McAndrews  
gmcandrews@mcandrews-ip.com  
Thomas J. Wimbiscus  
twimbiscus@mcandrews-ip.com  
Peter J. McAndrews  
pmcandrews@mcandrews-ip.com  
Gerald C. Willis  
jwillis@mcandrews-ip.com  
Paul W. McAndrews  
pwmcandrews@mcandrews-ip.com  
Matthew N. Allison  
mallison@mcandrews-ip.com  
Heather Bjella  
hbjella@mcandrews-ip.com  
Holly Mack  
hmack@mcandrews-ip.com  
McAndrews, Held & Malloy  
500 West Madison, Suite 3400  
Chicago, IL 60661  
Telephone 312(775-8000  
Fax (312) 775-8100

Eric M. Albritton  
ema@emafirm.com  
Albritton Law Firm  
P.O. Box 2649  
Longview, Texas 75606  
Telephone (903) 757-8449  
Fax (903) 757-2323

T. John Ward  
jw@jwfirm.com  
Ward & Smith Law Firm  
111 West Tyler Street

Longview, Texas 75601  
Telephone (903) 757-6400  
Fax (903) 757-2323

Date: September 30, 2009

/s/ Kevin A. Smith